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11 *Attorneys for Third Party*
JONES LANG LASALLE, INC.

12
13 **UNITED STATES DISTRICT COURT**
14 **DISTRICT OF NEVADA**
15

16 SWITCH, LTD., a Nevada limited liability
company,

17 Plaintiff,

18 vs.

19 STEPHEN FAIRFAX; MTECHNOLOGY;
20 and DOES 1 through 10; ROE ENTITIES 11
through 20, inclusive,

21 Defendants.
22

Case No. 2:17-cv-02651-GMN-EJY

**DECLARATION OF MARK BAUER
IN SUPPORT OF JONES LANGE
LASALLE, INC.'S OPPOSITION TO
PLAINTIFF SWITCH, LTD.'S MOTION
TO COMPEL THIRD PARTY JONES
LANG LASALLE TO PROVIDE
REQUESTED DOCUMENTS**

1 I, Mark Bauer, declare as follows:

2 1. I have personal knowledge of the facts stated herein, and I make this declaration in
3 support of Jones Lang LaSalle, Inc.'s Opposition to Switch, Ltd.'s Motion to Compel Documents
4 (the "Motion").

5 2. I am employed as the Managing Director / National Director in the Data Center
6 Solutions Group at Jones Lang LaSalle Americas, Inc. ("JLL Americas"), which is a subsidiary of
7 Jones Lange LaSalle, Inc. (collectively, I refer to those companies as "JLL"). I reside in Phoenix,
8 Arizona and work in JLL Americas' office in Phoenix.

9 3. I have been with JLL since 2011 and, in total, I have over 25 years of experience
10 working in the data center industry. At JLL Americas, I lead the Data Center Solutions Group,
11 which assists JLL clients with various types of project related to commercial real estate for data
12 centers, including strategic planning, site selection, relocations, renewals, and expansions of data
13 centers.

14 4. **Stephen Fairfax & MTechnology.** JLL has never had a professional relationship of
15 any kind with Defendants Stephen Fairfax or MTechnology, Inc. I am not aware that JLL has ever
16 had any communications with Defendants Fairfax or MTechnology. I understand that Switch's
17 counsel stated that **Exhibit 7** to his Declaration, which is a brochure for an Aligned Data Centers
18 facility, is "JLL's advertising." That is not accurate. Although the brochure lists JLL as a contact
19 for potential data center tenants, the brochure was prepared by Aligned without involvement from
20 JLL.

21 5. **Aligned Data Centers and Aligned Energy.** I am familiar with all aspects of JLL's
22 relationship with Aligned Data Centers and Aligned Energy (together, "Aligned") because Aligned
23 is a client of JLL and I am in charge of that client relationship. Aligned first became a JLL client in
24 2015. Around that time, JLL assisted Aligned with leasing, and then later purchasing, property in
25 Phoenix, Arizona, which Aligned intended to use as a data center site. JLL continues to work with
26 Aligned to provide marketing services in connection with the Phoenix data center property and on
27 other real estate matters. JLL was not and has never been involved in providing services related to
28 the design or technical implementations for any Aligned data centers.

1 6. **Inertech.** I understand that Switch states that Inertech is a subsidiary of Aligned,
2 however JLL has never done business with Inertech and or provided real estate services to it in
3 connection with any Inertech data center. I am not aware that JLL has ever had any
4 communications with Inertech.

5 7. **eBay.** I am familiar with all aspects of JLL's relationship with eBay because eBay is
6 a client of JLL and I am in charge of that client relationship. eBay first became a JLL client in
7 2011, but eBay was my client at CRBE for years before I came to JLL. To my recollection, neither
8 I nor JLL were substantively involved in eBay's use of any colocation services offered by Plaintiff
9 Switch Ltd. ("Switch").

10 8. **PayPal.** I am familiar with all aspects of JLL's relationship with PayPal because
11 PayPal is a JLL client and I am in charge of that client relationship. Before JLL had any
12 relationship with PayPal, I had pre-existing relationships at PayPal stemming from my work for
13 eBay. One of my principal contacts at PayPal is Rich Reyher, who is involved in PayPal's data
14 center operations. PayPal uses Switch colocation services and JLL has been involved in that
15 relationship. However, JLL's communications with its client, PayPal, about PayPal's use of Switch
16 services is confidential to PayPal. Switch has no legitimate business need for that communication.
17 Any such communications have nothing to do with the Defendants Fairfax or MTechnologies in this
18 matter.

19 9. **Uber.** I am aware that Uber is an Aligned customer. However, JLL was not
20 involved in Uber's decision to use Aligned for its colocation data center in Phoenix. I am not aware
21 that JLL has ever had any communications with Uber that in any way involved the Defendants
22 Fairfax or MTechnologies in this matter.

23 10. I am familiar with Switch from my experience in the data center industry. Switch is
24 a direct competitor of JLL's client Aligned and also does business with other third parties named in
25 its subpoena. As such, JLL's confidential communications with other parties that may mention
26 Switch are highly competitively sensitive documents that Switch should not have any access to.
27 Providing Switch with JLL correspondence with competitors and customers as to Switch would put
28 JLL's relationships with these customers and clients at serious risk. And, because I am not aware

1 that there is any information in any correspondence having anything to do with Defendants Fairfax
2 or MTechnologies, I have serious concerns that Switch could and intends to misuse that confidential
3 information to disrupt the business relationships of JLL or its clients. JLL also has separate non-
4 disclosure obligations with its clients, who have an interest in preventing Switch from obtaining
5 their confidential information.

6
7 I declare under penalty of perjury under the laws of the United States of America that the
8 foregoing is true and correct to the best of my knowledge.

9 Executed this 9th day of April, 2020, in Phoenix, Arizona.

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Mark D. Bauer (Apr 9, 2020)

12 MARK BAUER
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